

BOARD OF ZONING APPEALS

MEETING MINUTES

JUNE 28, 2012

AGENDA

NEW CASE:

- 1. Balasubramanian Residence – Rear Yard Setback Variance 7454 Barrister Drive
12-033V Non-Use (Area) Variance**

Chair Brett Page called the meeting to order at 6:30 p.m. Other Board members present were James Zitesman, Patrick Todoran, Kathy Ferguson, and Brian Gunnoe. City representatives present were Rachel Ray, Tammy Noble-Flading, Alexis Dunfee, Jonathan Lee, and Flora Rogers.

Motion and Vote

Brett Page moved to accept the documents into the record. Kathy Ferguson seconded the motion. The vote was as follows: Mr. Gunnoe, yes; Mr. Zitesman, yes; Mr. Todoran, yes; Ms. Ferguson, yes; and Mr. Page, yes. (Approved 5 – 0.)

Motion and Vote

James Zitesman moved to approve the May 24, 2012 meeting minutes as presented. Patrick Todoran seconded the motion. The vote was as follows: Mr. Page, yes; Ms. Ferguson, yes; Mr. Gunnoe, yes; Mr. Todoran, yes; and Mr. Zitesman, yes. (Approved 5 – 0.)

Administrative Business & Communications

Tammy Noble-Flading announced that Rachel Ray was recently promoted to the position of Planner II. She commented that Ms. Ray had worked as the project manager for the Bridge Street Project, as well as countless other special projects with the City of Dublin. She congratulated Ms. Ray for her promotion.

Ms. Noble-Flading explained that as an attempt to alleviate the high reproduction costs of meeting packets, a pilot project for the Board of Zoning Appeals, the Architectural Review Board, and Planning and Zoning Commission would soon begin using electronic packet to replace paper packets. She explained that the three Chairs will receive iPads to use for accessing packet information electronically. She said if the project is successful, Planning's is proposing to provide iPads for all of the board and commission members in 2013, contingent upon approval by City Council. Ms. Noble-Flading said the project is based on an objective of the City of Dublin to promote environmental stewardship and fiscal responsibility. She stated that it also furthers the objectives of City Council. She concluded the announcement by saying more information will be provided at upcoming meetings.

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Brett Page swore in those wishing to speak in regards to this case including the applicant, Suguman Balasubramanian, and City representatives.

Tammy Noble-Flading presented this request for a rear yard setback variance for a single-family residence located in the Park Place subdivision. She said that the property owner is requesting a variance for an at-grade paver patio that will encroach into the rear yard setback. Ms. Noble-Flading said in the Park Place subdivision, the rear yard setback is calculated by a percentage of the lot depth. She said the site contains a single family residential structure that is located one-foot from the front building line. She stated that the house is different from surrounding homes because the livable space is completely to the rear of a three-car garage. She stated that this results in a house that extends almost to the rear building line. She stated that the applicant is proposing a 216-square-foot paver patio that will extend 11 feet into the rear yard setback.

Ms. Noble-Flading said that Planning has worked with the applicant to make modifications to the original proposal by decreasing the size of the paver patio, removing columns that would extend approximately three feet in height, and remove all portions of the patio from an existing No Build Zone located to the rear of the lot. Ms. Noble-Flading said that the site has existing features that limit the portions of the site that can accommodate a patio. She said the applicant has indicated that there are private utilities to the north and an air conditioning unit to the south which restricts moving the patio to either the north or south.

Ms. Noble-Flading said that all of the review criteria in Section A are required to be met, and Planning has concluded that they all have been met with one condition. Ms. Noble-Flading said regarding the Section B criteria, the, Ms. Noble-Flading said that Planning is recommending approval of this non-use (area) variance request for 6 feet into the rear yard setback with the provision that the patio be limited to an at-grade patio, based on the fact that it does meet the requirements.

Suguman Balasubramanian, 7554 Barrister Drive, the applicant offered photographs of his property showing how much he would get with and without the variance.

Ms. Noble-Flading said that the Board members had been encouraged to visit the site but it was at the Board members' discretion if they wanted to look at the applicant's photographs.

Mr. Page confirmed that the Board members did not need to see the photographs. He thanked Mr. Balasubramanian.

Kathy Ferguson noted that the presentation stated that this was for a variance of 6 feet to the rear yard setback requirement with the condition, yet the cover sheet stated that it was for 11 feet to the rear yard setback.

Ms. Noble-Flading explained that the original variance request was for 11 feet. She said the applicant had originally proposed seating walls and columns which would mean that most of the space proposed would be in the setback. She said that because the original application was modified to be an at-grade patio, an additional 5 feet was permitted under the "open and uncovered" provision of the Code, which meant that there could be an encroachment into the setback 5 feet, as a right.

Ms. Ferguson asked if that was acceptable to the applicant.

Mr. Balasubramanian said it was acceptable.

Mr. Page said if the Board disapproved the variance requested, they were really negating any potential for a patio, and that the applicant had been willing to work to meet the criteria. He said while the lot itself does not look unique, unique features were brought up that make it nearly impossible to add any type of patio without a variance. He said historically, the Board has discussed that it was almost a right to be able to do something that any of the neighbors should be able to do in the community, as long as it meets the criteria. He said he thought the applicant had done a good job with that.

James Zitesman said during his site visit, he looked at the back of the house and he thought leaving it the way it as it was is a detriment to the community and to the neighborhood in the sense that it looks unfinished with the small wood steps and not having the space there. He said it was consistent with what was going on at the neighbors and he thought it would be a nice addition, which would benefit the home value and the ability to sell it.

Brett Page moved to approve this non-use (area) variance request to allow an at-grade patio to be located approximately 6 feet within the required rear yard setback, because it meets all of the required non-use (area) variance standards with one condition:

- 1) That the patio be limited to an at-grade patio to limit visual obstructions into the rear yard area.

Brian Gunnoe seconded the motion.

Mr. Balasubramanian agreed to the condition.

The vote was as follows: Mr. Todoran, yes; Ms. Ferguson, yes; Mr. Zitesman, yes; Mr. Gunnoe, yes; and Mr. Page, yes. (Approved 5 – 0.)

Mr. Page announced that the next meeting would be held on July 26th. He adjourned the meeting at 6:47 p.m.

As approved by the Board of Zoning Appeals at the August 30, 2012 meeting.